

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
JOHNSTOWN DIVISION**

ANTHONY J. ZANGHI, KENNETH J.  
SOWERS, DOMINIC MCCUCH, JAMES  
HOHMAN, DARRELL SHETLER *on behalf  
of themselves and others similarly situated,*  
and UNITED STEEL, PAPER AND  
FORESTRY, RUBBER,  
MANUFACTURING, ENERGY, ALLIED  
INDUSTRIAL AND SERVICE WORKERS  
INTERNATIONAL UNION, AFL-CIO/CLC,

Plaintiffs,

v.

FREIGHTCAR AMERICA, INC.,  
JOHNSTOWN AMERICA CORPORATION,  
and JOHNSTOWN AMERICA  
CORPORATION USWA HEALTH &  
WELFARE PLAN,

Defendants.

**No.: 3:13-CV-00146**

*Electronically filed*

**DEFENDANTS' MOTION FOR LEAVE  
TO FILE EXCESS PAGES IN RESPONSE  
TO PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

**DEFENDANTS' MOTION FOR LEAVE TO FILE EXCESS PAGES IN RESPONSE TO  
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

Defendants request leave to file excess pages in response to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction. The procedural and substantive complexity of this case, which involves two pending ERISA lawsuits and three predecessor class action lawsuits, requires the parties to address a broad range of issues. Moreover, Defendants require additional pages to respond to Plaintiffs' Memorandum in Support of their Motion for Temporary Restraining Order and Preliminary Injunction, which itself exceeded (with leave of this Court) the standard 25-page limit, as well as the hundreds of pages of record evidence plaintiffs compiled and submitted to the Court in connection with their Motion for Temporary

Restraining Order and Preliminary Injunction. For these reasons, Defendants respectfully seek leave to file a Brief in Opposition to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction that exceeds this Court's standard 25-page limit.

Dated: September 18, 2013

Respectfully Submitted,

/s/ Kirk Watkins

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AND JOHNSTOWN AMERICA CORPORATION  
USWA HEALTH & WELFARE PLAN**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system this 18th day of September, 2013. Any other counsel of record will be served by facsimile transmission and/or first class mail.

/s/ Kirk Watkins

Kirk Watkins

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